Appl. No. 10/789,697
Response Dated 9/16/2005
Supplemental Response to Office action dated 7/25/2005

REMARKS

Claims 1, 7 and 8 have been amended. Please cancel Claim 9. No new matter has been added Claims 1-8 and 10-21 are pending. Claims 16-22 were identified in the Office Action of July 25, 2005 as being allowable.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims 1, 7 and 8 have been amended, and claim 9 has been canceled, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed.

The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

Interview Summary

A telephone interview was conducted on September 12, 2005. The Examiner recommended to Joel Landau that the limitation of claim 9 be incorporated into claims 1 and claim 8. The Examiner further recommended to Mr. Landau that the "evaluate incoming deskew information..." limitations of claim 8 be incorporated into claim 1.

Claim Rejections - 35 USC § 103

In the Office Action of July 25, 2005, the Examiner rejected claims 1, 8 and 14 under 35 USC § 103(a) as obvious in view of Collins (USP 6,031,847) and Kim (US 2003/0219040). The Examiner rejected claims 2-7, 9-13 and 15 under 35 USC § 103(a) as obvious in view of Collins Kim and Goyal (US 2004/0177291). This rejection is respectfully traversed.

Independent claims 1 and 8 have been amended according to the Examiner's suggestions. Namely, the "generates arbitrarily long test data on the data lanes according to the test pattern" limitation of claim 9 was added to claims 1 and claim 8, and the "deskew card to evaluate incoming deskew information included with received incoming data independent of the lane cards according to the physical layer communications standard" limitation of claim 8 was added to claim 1. Because these limitations were in earlier provided claims, a new search is not required.

As to claim 1, the cited art fails to teach or suggest "a deskew card to prepare deskew information according to the test pattern and independent of the lane cards according to the physical layer communications standard."

As to claim 8, the cited art fails to teach or suggest "a deskew card to prepare outgoing deskew information for outgoing data independent of the lane cards according to the test pattern and according to the physical layer communications standard, and to evaluate incoming deskew information included with received incoming data independent of the lane cards according to the physical layer communications standard."

In addition, the Office Action asserts that Goyal teaches test patterns as recited in the claims. However, there is no teaching or suggestion in Goyal of test patterns. The Office Action asserts that Fig. 6 of Goyal teaches test patters. However, nowhere is the term "test pattern" used or is "generating test patterns" taught or suggested in Fig. 6. The portion of the specification of Goyal describing Fig. 6 (Goyal, para. [0029]) also fails to teach or suggest "test patterns", "generating test patterns" or "generating test data based on the test patterns" as recited in amended claims 1 and 8. Goyal merely states that "the payload of high-speed frames (e.g., SFI-5) can be programmed into ParaBERT 605, using for example, a data file that can result in the production of a 40G frame." This in no way teaches or suggests "test patterns", "generating test patterns" or "generating test data based on the test patterns" recited in the claims.

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The reference to and use of a "data file" in para. [0029] of Goyal shows that Goyal teaches away from the "test patterns", "generating test patterns" or "generating test data based on the test patterns" as recited in the claims. That is, loading a data file as taught by Goyal shows that Goyal does not teach or suggest the "test patterns", "generating test patterns" or "generating test data based on the test patterns" recited in the claims. The distinction is that Goyal loads or inputs data files whereas the claims recite "generating test patterns" or "generating test data based on the test patterns." As such, the cited combination of references fail to teach all of the limitations of claims 1 and 8.

For the reasons set forth above, the cited combination of references fail to teach all of the limitations of claims 1 and 8. As such, claims 1 and 8 are patentable over the combination of Goyal, Collins and Kim. Claims 2-7 and 10-15 are patentable by virtue of their dependency on claims 1 and 8.

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Conclusion

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited. The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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